

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

)
UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 v.)
)
)
GELEAN MARK,)
VERNON FAGAN,)
WALTER ELLS,)
DORIAN SWAN,)
KELVIN MOSES,)
HENRY FREEMAN, and)
EVERETTE MILLS,)
)
 Defendants.)
)

)

Criminal No. 2006-80

ATTORNEYS:

Delia L. Smith, AUSA

St. Thomas, U.S.V.I.

For the Plaintiff,

Derek Hodge, Esq.

St. Thomas, U.S.V.I.

For the defendant Gelean Mark,

Kevin D'Amour, Esq.

St. Thomas, U.S.V.I.

For the defendant Vernon Fagan,

Carl R. Williams, Esq.

St. Thomas, U.S.V.I.

For the defendant Walter Ells,

Thurston T. McKelvin, FPD

St. Thomas, U.S.V.I.

For the defendant Dorian Swan,

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Andrew L. Capdeville, Esq.
St. Thomas, U.S.V.I.
For the defendant Kelvin Moses,

Dale L. Smith, Esq.
New York, NY
For the defendant Henry Freeman,

Arturo R. Watlington, Jr., Esq.
St. Thomas, U.S.V.I.
For the defendant Everette Mills.

ORDER

Before the Court are the motions of defendants Gelean Mark ("Mark"), Vernon Fagan ("Fagan"), Dorian Swan ("Swan"), and Kelvin Moses ("Moses") (collectively, "the Moving Defendants") to dismiss Counts One and Two (the conspiracy charges) of the indictment in the above-captioned matter. For the reasons stated in the accompanying memorandum of even date, it is hereby

ORDERED that the motions to dismiss Counts One and Two of the indictment are **DENIED**.

Dated: September 5, 2007

S_____

CURTIS V. GÓMEZ
Chief Judge

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Copy: Hon. Geoffrey W. Barnard
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Ms. Donovan
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